



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

AMENDED BY SUBSEQUENT ACTION  
SEE: SYN. 49 OF 7-16-02

All Department/District Heads

At its meeting held April 2, 2002, the Board took the following action:

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The Board called up Agenda Item S-2 for discussion which includes the following:

1. Discussion of the County's compliance with California's open meeting and public records laws and report from County Counsel, Executive Officer of the Board and the Chief Administrative Officer concerning policies and procedures for complying with these laws, and invitation for public comment, as requested by Supervisor Yaroslavsky at the meeting of March 19, 2002;
2. Report by County Counsel, the Auditor-Controller and the Chief Administrative Officer on the development of a Countywide protocol for appropriately responding to Public Records Act requests, with the Office of County Counsel as the department ultimately responsible for the protocol, advising on issues of the presence or absence of confidentiality or privilege relating to the documents in question; and upon adoption of the proposed protocol, place the definitions, guidelines and steps outlining the request on the County's Internet web page, as requested by Supervisor Burke at the meeting of March 19, 2002;

**NOTE: Final Board Action in bold starting on page 10.**

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3. Consideration of the following, as requested by Supervisor Molina at the meeting of March 26, 2002:
  - a. Report by the Chief Administrative Officer, County Counsel and Executive Officer of the Board on their review of the "Sunshine Act" submitted by the Los Angeles Sunshine Coalition, in conjunction with the Coalition as well as other experts or advocates, concerning the First Amendment and open government, and recommendations concerning which portions of the Sunshine Act should be adopted, which portions should be rejected, and any further recommendations about implementing a Sunshine Act for the County;
  - b. Consideration of the Executive Officer of the Board's amendment to the Board's Closed Session Procedures to require minute books of closed session meetings to contain tape recordings of the closed sessions in compliance with Government Code Section 54957.2, in addition to a written listing of actions taken; and
  - c. Report and recommendations by the Chief Administrative Officer, County Counsel, Executive Officer of the Board and Interim Children's Services Inspector General on how Children's Services Inspector General reports may be submitted to the Board in full compliance with the Ralph M. Brown Act;
4. Report by County Counsel, in conjunction with the Chief Administrative Officer, on their review of all previous legal findings by County Counsel interpreting how the Ralph M. Brown Act applies to Deputy meetings and meetings with County department staff, including final legal findings and recommendations on how to ensure continued compliance with the law, as requested by Supervisors Knabe and Molina at the meeting of March 26, 2002.

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5. Recommendation as submitted by Supervisor Yaroslavsky at the meeting of March 26, 2002:
  - a. Instruct the Chief Administrative Officer and County Counsel to prepare amendments to County policy to provide that meetings of Board deputies, called to discuss matters which have been calendared for Board of Supervisors action, be conducted in accordance with the provisions of the Ralph M. Brown Act, regardless of whether or not such meetings are covered by the Ralph M. Brown Act;
  - b. Instruct the Executive Officer of the Board to post on the County's web page all documents that are part of the official transmittal of any Board agenda item as soon as they are available, including not only the Board letters which are already posted but also departmental backup materials that are part of the official file;
  - c. Instruct the Chief Administrative Officer to arrange for the posting of complete, proofread transcripts of Board of Supervisors' meetings on the Board's web page, with hyperlinks to related items accompanying the transcript, if possible (the County's current contractor for Board telecasts is prepared to place a fully proofed transcript and accompanying streaming video of Board meetings online within 24 hours of a meeting at a cost of \$750 per meeting), and instruct the Chief Administrative Officer to ensure that a mechanism is put into place to ensure that, insofar as possible, names of individuals, organizations and agencies are presented and spelled correctly;
  - d. Instruct each Department Head to adopt a policy for releasing official documents to the public which is similar to the existing policy of the Chief Administrative Officer, which makes Board letters and Board memoranda available to the public immediately upon release, both at the Chief Administrative Officer's Public Information Office at the Hall of Administration and on the Chief Administrative Officer's web page; and instruct each Department Head to report back to the Board within four weeks on their compliance with this policy;

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- e. Instruct the Executive Officer of the Board, the Chief Administrative Officer and County Counsel to prepare the necessary documents to renew for another 10 years, the Board's policy explicitly directing Departments to expeditiously honor press requests, and to post that policy on the County's public website; also instruct the Chief Administrative Officer to conduct annual seminars on this policy with all Department Heads to ensure that they remain fully informed of its contents and up to date on the continuing importance and priority that the Board has placed on this policy;
  - f. Instruct the Executive Officer of the Board and County Counsel, in order to avoid violations of the Ralph M. Brown Act by County Commissions, to prepare materials and conduct annual seminars for staff of all County bodies that operate under the Brown Act, including Commissions, Committees and Task Forces, and for the Chairpersons of each such body to ensure that they adhere to all provisions of the Ralph M. Brown Act;
  - g. Instruct the Chief Administrative Officer and County Counsel to prepare amendments to County policy to provide that no department head, employee or consultant shall be required to obey any directive from the Board of Supervisors that would violate any provision of Federal, State or local law in pursuit of any County objective; and to provide that this policy may be used by any department head, employee or consultant as a defense against disciplinary action imposed for refusing to follow such a directive;
6. Recommendation as submitted by Supervisors Molina and Knabe: Retain outside counsel to analyze all proposals considered by the Board and raised by the public regarding the aforementioned proposals relating to open government laws and provide recommendations to the Board within three weeks on how to implement the proposals; and to advise the Board on these issues on an ongoing basis for an initial period of at least six months; and
7. Recommendation as submitted by Supervisor Burke: Adopt a strictly enforced policy to post that henceforth any Board office or department initiated amendment to an agenda motion or department recommendation shall be posted and publicly distributed at least 24 hours in advance of the meeting.

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Patt Morrison representing the Los Angeles Press Club, Richard McKee representing the California First Amendment Coalition, Tom Clanin, Cheryl Romo, Karen Ocamb, Barbara Blinderman representing the Sunshine Coalition, Ralph Miller and Ernest Acosta representing the AFSCME Local 685, Tyrone Freeman representing SEIU Local 434B, and other interested persons responded to the Board's invitation for public comment.

Donovan M. Main, Senior Assistant County Counsel, made a verbal presentation of the following reports dated March 28, 2002, regarding:

- The County's compliance with the Public Records Act and the Ralph M. Brown Act (Attachment 1);
- The Sunshine Act; and how Children's Services Inspector General reports may be submitted to the Board in full compliance with the Ralph M. Brown Act (Attachment 2); and
- How the Ralph M. Brown Act applies to Deputy meetings and meetings with County department staff (Attachment 3).

The following statement was entered into the record for Supervisors Knabe and Molina:

"As made clear by the recommendations presented by the Board today concerning open government, and its decision to hold public hearings today on those issues, the Board is fully committed to analyzing its current way of doing business and making changes necessary to increase its openness to the public. To continue its commitment to these issues, the Board should adopt proposals that are ready for adoption, and continue to analyze the remaining proposals in a meaningful way.

"In a motion filed by Supervisor Molina and I, we requested that proposals presented at the Board meeting today concerning open government be reviewed by independent counsel. The Board has retained J. Kenneth Brown, of Brown Winfield & Canzoneri, to represent it in relation to allegations made against the Board concerning Brown Act violations. If Mr. Brown is willing, his firm could further advise the Board concerning proposals made by Board members or the public to make County government more open.

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"All of the proposals for today's meeting now have been presented to the Board. Some of the proposals appear to be straightforward and should be acted on immediately. Others involve complex legal and policy issues, and should be considered thoroughly before any action is taken. The record should be made clear as to what matters have been voted on today, and what matters should be considered further."

After discussion, Supervisor Knabe made a motion that the Board take the following actions:

1. Adopt the attached Closed Session Procedures as amended to require that Closed Session meetings be tape recorded (Attachment 4);
2. Instruct County Counsel to no longer place the Children's Services Inspector General's reports in Closed Session, so that any administrative and policy matters related to these confidential written reports will be placed on the regular agenda, by motion of any Board Member, and discussed in public;
3. Adopt Letters "b" through "f" in Supervisor Yaroslavsky's aforementioned recommendations as submitted at the meeting of March 26, 2002;
4. Adopt the attached protocol submitted by County Counsel dated March 28, 2002, in response to Supervisor Burke's motion dated March 19, 2002, requesting development of a Countywide Public Records Act protocol for publication on the County's internet web page (Attachment 5);
5. Adopt Supervisors Molina and Knabe's recommendation to retain independent counsel, Brown Winfield & Canzoneri, to review other proposals regarding open government at the Board's discretion, and to advise the Board on issues related to open government for at least six months, with review to include, but not be limited to:
  - a. The proposed Sunshine Act, submitted by the Los Angeles Sunshine Coalition (Attachment 6);

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- b. Any options to strengthen the Public Records Act Protocol, prepared by County Counsel;
- c. The proposals set forth in Letters "a" and "g" of Supervisor Yaroslavsky's aforementioned recommendations as submitted at the meeting of March 26, 2002;
- d. A protocol to ensure that Board agenda descriptions for Closed Sessions are more descriptive and informative; and
- e. A protocol for announcing Board actions taken in Closed Session.

Supervisor Yaroslavsky made a suggestion that Supervisor Knabe's motion be amended to adopt as Board policy the provision that meetings of Board deputies, called to discuss matters which have been calendared for Board of Supervisors action, be conducted in accordance with the provisions of the Ralph M. Brown Act, regardless of whether or not such meetings are covered by the Ralph M. Brown Act. Supervisor Knabe accepted Supervisor Yaroslavsky's amendment.

Supervisor Burke made a suggestion that Supervisor Knabe's motion be amended to also request the independent counsel to review whether subcommittees created by Commissions, Committees and Task Forces established by the Board are subject to the Brown Act. Supervisor Knabe accepted Supervisor Burke's amendment.

Supervisor Burke also requested the Chief Administrative Officer to report back to the Board on the budget allocation/costs for use of outside counsel.

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Supervisor Yaroslavsky made the following suggestions:

1. Letter "c" of his aforementioned recommendations as submitted at the meeting of March 26, 2002 be amended to read:

Instruct the Executive Officer of the Board to work in conjunction with the Director of Internal Services and Chief Administrative Office's Director of Public Affairs, to establish a cost estimate within four weeks on implementation of a project that would put an official transcript and corresponding video segments of Board meetings online, with both linked to the Statement of Proceedings that is already posted on the Internet, with the goal of the project to have the transcript online within 24 hours after each Board meeting, with estimate to include the cost of weekly preparation of the transcript, development of links to the video and transcripts, a server to handle the videos, disk space, new search screens, monthly operation of Web servers, communication lines, and any other associated costs; and

2. Letter "g" of his aforementioned recommendations as submitted at the meeting of March 26, 2002 be referred to County Counsel and the independent counsel for review and report back.

The following statement was entered into the record for Supervisor Yaroslavsky:

"From time to time, our Board has received complaints that weekly Board meetings are too difficult to follow, that items are taken up and voted on too quickly, that proceedings are difficult to hear, that final actions may even be impossible to understand.

"While I do not believe this confusion is deliberate, there is no question that some improvements in the parliamentary conduct of our Board meetings can and should be made in the interests of clarifying and demystifying our proceedings to enhance the public's ability to understand and participate in our proceedings.

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"One problem arises, for example, when due to a combination of poor Boardroom acoustics, the level of activity on the dais, and the absence of a clearly-defined protocol for casting votes, results of the Board votes are too often obscure. A clearly delivered uniform announcement would eliminate the confusion and signal when the Board was proceeding to take up the next item. In order to ensure continuity and a seamless transition between Board chairs from year to year, the new item should be announced according to standard protocol by the Executive Officer of the Board.

"There is also a significant public perception problem with Closed Sessions owing to the lack of a more complete public explanation of why the Board is legally authorized and has chosen to hold such discussions out of the public view. Citing legal code sections is not enough; County Counsel should provide a layman's explanation.

"Besides allaying public concerns, it offers the additional benefit of calling upon County Counsel to remain vigilant in screening requests for appropriate referral to Closed Session."

Therefore, Supervisor Yaroslavsky made a motion that the Board instruct the County Counsel to draft amendments to the Rules of the Board altering meeting procedures to:

1. Report the roll call vote of each non-consent agenda item after it is taken, calling out the agenda number and identifying Board members who cast ayes, nays, and abstentions;
2. Provide a fuller explanation, in clearly understandable layperson's terms, of the legal basis for going into Closed Sessions; and
3. Require the announcement of actions taken during closed-door sessions, not only in the Statement of Proceedings, but also at the next Board meeting and in writing (including e-mail) to all those who have requested such notifications.

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Supervisor Antonovich made a suggestion that Supervisor Yaroslavsky's motion be amended to instruct the Executive Officer of the Board to place the tabulation of votes on the video tape with the names showing. Supervisor Yaroslavsky accepted Supervisor Antonovich's amendment.

**After discussion, on motion of Supervisor Knabe, seconded by Supervisor Molina, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Knabe, Antonovich and Yaroslavsky; Noes: None, the Board took the following actions:**

- 1. Adopted the attached Closed Session Procedures as amended to require that Closed Session meetings be tape recorded (Attachment 4);**
- 2. Instructed County Counsel to no longer place the Children's Services Inspector General's reports in Closed Session, so that any administrative and policy matters related to these confidential written reports will be placed on the regular agenda, by motion of any Board Member, and discussed in public;**
- 3. Instructed the Executive Officer of the Board to post on the County's web page all documents that are part of the official transmittal of any Board agenda item as soon as they are available, including not only the Board letters which are already posted but also departmental backup materials that are part of the official file;**
- 4. Instructed the Executive Officer of the Board to work in conjunction with the Director of Internal Services and Chief Administrative Office's Director of Public Affairs, to establish a cost estimate within four weeks on implementation of a project that would put an official transcript and corresponding video segments of Board meetings online, with both linked to the Statement of Proceedings that is already posted on the Internet, with the goal of the project to have the transcript online within 24 hours after each Board meeting, with estimate to include the cost of weekly preparation of the transcript, development of links to the video and transcripts, a server to handle the videos, disk space, new search screens, monthly operation of Web servers, communication lines, and any other associated costs;**

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5. Instructed each Department Head to adopt a policy for releasing official documents to the public which is similar to the existing policy of the Chief Administrative Officer, which makes Board letters and Board memoranda available to the public immediately upon release, both at the Chief Administrative Officer's Public Information Office at the Hall of Administration and on the Chief Administrative Officer's web page; and instructed each Department Head to report back to the Board within four weeks on their compliance with this policy;
6. Instructed the Executive Officer of the Board, the Chief Administrative Officer and County Counsel to prepare the necessary documents to renew for another 10 years, the Board's policy explicitly directing Departments to expeditiously honor press requests, and to post that policy on the County's public website; and instructed the Chief Administrative Officer to conduct annual seminars on this policy with all Department Heads to ensure that they remain fully informed of its contents and up to date on the continuing importance and priority that the Board has placed on this policy;
7. Instructed the Executive Officer of the Board and County Counsel, in order to avoid violations of the Ralph M. Brown Act by County Commissions, to prepare materials and conduct annual seminars for staff of all County bodies that operate under the Brown Act, including Commissions, Committees and Task Forces, and for the Chairpersons of each such body to ensure that they adhere to all provisions of the Ralph M. Brown Act;
8. Adopted the attached protocol submitted by County Counsel dated March 28, 2002, in response to Supervisor Burke's motion dated March 19, 2002, requesting development of a Countywide Public Records Act protocol for publication on the County's internet web page (Attachment 5);

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9. **Agreed to retain independent counsel, Brown Winfield and Canzoneri, to review other proposals regarding open government at the Board's discretion, and to advise the Board on issues related to open government for at least six months, with review to include, but not be limited to:**
  - a. **The proposed Sunshine Act, submitted by the Los Angeles Sunshine Coalition;**
  - b. **Any options to strengthen the Public Records Act Protocol, prepared by County Counsel (Attachment 6);**
  - c. **A protocol to ensure that Board agenda descriptions for Closed Sessions are more descriptive and informative;**
  - d. **A protocol for announcing Board actions taken in Closed Session; and**
  - e. **Review if subcommittees created by Commissions, Committees and Task Forces established by the Board are subject to the Brown Act;**
10. **Adopted as Board policy the provision that meetings of Board deputies, called to discuss matters that have been calendared for Board of Supervisors action, be conducted in accordance with the provisions of the Ralph M. Brown Act, regardless of whether or not such meetings are covered by the Ralph M. Brown Act;**
11. **Instructed the Chief Administrative Officer to report back to the Board on the budget allocation/costs for use of outside counsel;**

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Agn. S-2/Syn. 94 (Continued)

- 15. Took no action on Supervisor Burke's recommendation (Agenda Item S-2 "7") relating to posting and publicly distributing amendments to agenda motions or department recommendations at least 24 hours in advance of the meeting.**

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Attachments

Copies distributed:  
Each Supervisor